

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**JAMES MARTZALL**

*Plaintiff,*

**V.**

**DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AN  
INDENTURE TRUSTEE, ON  
BEHALF OF THE HOLDERS OF  
THE ACCREDITED MORTGAGE  
LOAN TRUST 2006-2 ASSET  
BACKED NOTES**

*Defendant.*

**CIVIL ACTION NO. 5:22-cv-00018-  
XR**

## UNOPPOSED MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

**TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:**

Jeffrey C. Jackson and the law firm of Jeffrey Jackson & Associates, PLLC (together “JJA”) file this Unopposed Motion to Withdraw as counsel of record for Plaintiff James Martzall (“Martzall”), and as grounds would show the following:

1. Martzall, through attorney James Minerve, filed his original state court petition in Bexar County State District Court on December 30, 2021. Deutsche removed this case on January 10, 2022 pursuant to this court's diversity jurisdiction. *See* Dkt. No. 1. The disposition of this case is controlled by a signed scheduling order. Dkt. No. 17. Discovery is set to be completed on October 3, 2022. Trial is set for January 30, 2023.
2. JJA substituted as Martzall's counsel of record on February 8, 2022. Dkt. No. 6.

3. On March 1, 2022, Martzall filed his First Amended Complaint alleging the Defendant's power of sale under the subject deed of trust was void due the expiration of the statute of limitations to foreclose. Dkt. No. 16.

4. On March 24, 2022, Defendant noticed Martzall's home for another non-judicial foreclosure sale to take place on June 7, 2022. *See* Dkt. No. 21-6.

5. On April 19, 2022, Martzall filed a motion for preliminary injunction to stop the sale. Dkt. No. 21. A hearing was held on the application on May 12, 2022, at which Martzall's motion for preliminary injunction was denied. Dkt. No. 29.

6. On June 3, 2022, Martzall, acting pro-se, filed a new lawsuit in Bexar County State District Court requesting a temporary restraining order to prevent the June 7, 2022 sale. Exhibit 1. The case was assigned No. 2022CI10273. *Id.* The state court signed and entered a temporary restraining order. *Id.*

7. Martzall's pro-se filing in state court was done without JJA's knowledge and consent and against JJA's advice and counsel.

8. Martzall's action of filing the separate lawsuit seeking and obtaining injunctive relief has made it impossible for JJA to continue representing Martzall.

9. Defendant's counsel has indicated Defendant is unopposed to this motion to JJA's withdraw.

10. So far as JJA is aware, no substitute counsel is available at this time.

11. The last known contact information for Martzall is as follows:

NAME: James Martzall

ADDRESS: 16543 Inwood Cove, San Antonio, Texas 78248

PHONE #: 210-389-5200

12. JJA has caused to be delivered to Martzall a copy of the Motion and notified Martzall of his right to object to the relief requested herein.

**WHEREFORE, PREMISES CONSIDERED**, Jeffrey C. Jackson, together with the law firm of Jeffrey Jackson & Associates, PLLC, respectfully request that the Court sign an order of withdraw as counsel of record for Plaintiff James Martzall.

Respectfully submitted,

**JEFFREY JACKSON & ASSOCIATES, PLLC**

/s/ Jeffrey C. Jackson

**JEFFREY C. JACKSON**

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AGREED TO WITHDRAW:



By: \_\_\_\_\_

James Martzall

16543 Inwood Cove

San Antonio, Texas 78248

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon all counsel of record via Certified Mail, Return Receipt Requested, Facsimile and/or the Court's CM/ECF system on June 9, 2022.

**Michael F. Hord Jr.**

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*Attorneys for Defendants Deutsche Bank National Trust Company. As  
Indenture Trustee on Behalf of the Holders of the Accredited Mortgage  
Loan Trust 2006-2 Asset Backed Notes*

James Martzall

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San Antonio, Texas 78248

[jmartzall01@gmail.com](mailto:jmartzall01@gmail.com)

/s/ Jeffrey C. Jackson

**JEFFREY C. JACKSON**

**CERTIFICATE OF CONFERENCE**

I hereby certify that I spoke with counsel for Deutsche on June 8, 2022, and he indicated his client is unopposed to this motion.

/s/ Jeffrey C. Jackson

**JEFFREY C. JACKSON**